

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

Dawn Molnar,

Plaintiff,

v.

Cellco Partnership, d/b/a Verizon Wireless,

Defendant.

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: Civil Action No.: _____
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COMPLAINT

For this Complaint, the Plaintiff, Dawn Molnar, by undersigned counsel, states as follows:

JURISDICTION

1. This action arises out of Defendant's repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et. seq.* (the "TCPA").
2. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that Defendant transacts business here, Plaintiff resides in this judicial district, and a substantial portion of the acts giving rise to this action occurred here.

PARTIES

3. The Plaintiff, Dawn Molnar ("Plaintiff"), is an adult individual residing in Matamoras, Pennsylvania, and is a "person" as defined by 47 U.S.C. § 153(10).
4. Defendant Cellco Partnership, d/b/a Verizon Wireless ("Verizon") is a New York business entity with an address of 2000 Corporate Drive, Orangeburg, New York 10962, and is a "person" as defined by 47 U.S.C. § 153(10).

FACTS

5. Beginning in or around November 2013, Verizon started calling Plaintiff's cellular telephone five to six times a day.

6. At all times mentioned herein, Verizon contacted Plaintiff using an automated telephone dialer system ("ATDS" or "predictive dialer") and/or by using an artificial or prerecorded voice.

7. Plaintiff has no prior business relationship with Verizon and never provided her consent to be contacted on her cell phone.

8. When she answered the ATDS calls, Plaintiff heard a pre-recorded message that stated Verizon was calling for someone other than Plaintiff. The prompt directed Plaintiff to "press 1" if she was the correct person, or "press 2" if she was not.

9. On countless occasions, Plaintiff pressed "2" to inform Verizon she was not the correct person they were calling for.

10. When Plaintiff was able to speak with a live representative around early December 2013, she also informed Verizon that she was not the correct person and requested Verizon remove her number from their calling list.

11. In response, Verizon promised Plaintiff's number would be removed from their system.

12. Nonetheless, Verizon continued to hound Plaintiff with ATDS calls, placing at least twenty (20) additional calls after being informed it was calling the wrong number.

13. The calls from Verizon were not placed for emergency purposes.

COUNT I

VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT –
47 U.S.C. § 227, et seq.

14. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

15. Without prior consent the Defendant contacted the Plaintiff by means of automatic telephone calls or prerecorded messages at a cellular telephone or pager in violation of 47 U.S.C. § 227(b)(1)(A)(iii).

16. Defendants placed calls to Plaintiff's cellular telephone using prerecorded voice knowing that it lacked consent to call his number. As such, each call placed to Plaintiff was made in knowing and/or willful violation of the TCPA, and subject to treble damages pursuant to 47 U.S.C. § 227(b)(3)(C).

17. The foregoing acts and omissions of the Defendant constitute numerous and multiple violations of the Telephone Consumer Protection Act, including every one of the above-cited provisions.

18. The Plaintiff is entitled to damages as a result of the Defendant's violations.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that judgment be entered against the Defendant:

1. Statutory damages of \$500.00 for each violation determined to be negligent pursuant to 47 U.S.C. § 227(b)(1)(A);
2. Treble damages for each violation determined to be willful and/or knowing pursuant to 47 U.S.C. § 227(b)(3)(C); and
3. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: March 12, 2014

Respectfully submitted,

By /s/ Jody B. Burton

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